

# McNamara Amicus Declaration

## Exhibit 3

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF NEW YORK

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4  
5                   HACHETTE BOOK GROUP, INC.,  
6                   HARPERCOLLINS PUBLISHERS LLC,  
7                   JOHN WILEY & SONS, INC., and  
8                   PENGUIN RANDOM HOUSE LLC,

9  
10                  Plaintiffs,

11                  vs.

No. 1:20-cv-04160-JGK

12  
13                  INTERNET ARCHIVE and DOES 1

14                  through 5, inclusive,

15                  Defendants.

16                  \_\_\_\_\_/  
17                  VIDEOTAPED RULE 30(B)(6) DEPOSITION OF INTERNET ARCHIVE

18                  BY LILA BAILEY

19                  Volume 1

20                  Remote Zoom Proceeding

21                  San Francisco, California

22                  Monday, October 18, 2021

23                  REPORTED BY:

24                  LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

25                  Pages 1 - 142

Job No. 4841846

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1       Mr. Courtney regarding the content of panels that you  
2       were going to appear on together; isn't that right?

3           A. Yes. When we appeared on panels together, I  
4       would say it was the general practice that we would talk  
5       beforehand to go over what the content of the  
6       presentation or panel would be.

7           Q. When Mr. Courtney appeared on panels that  
8       were in -- that were financed or promoted or that  
9       Internet Archive was a sponsor of, would Internet Archive  
10      pay his expenses in connection with those appearances?

11          A. So I did speak with our finance department  
12      yesterday after our deposition ended.

13          Q. Uh-huh.

14          A. I spoke with Scott Fong, who is in charge of our  
15      bookkeeping.

16          Q. Uh-huh.

17          A. And I found that Kyle Courtney -- or he found --  
18      I'm sorry -- and I did take notes here. I have one page  
19      of notes here on this. So I'm going to read, if that's  
20      okay, because this is new information to me.

21           So there are three expense reimbursements to  
22      Kyle Courtney: One in the amount of \$440 in May 2017;  
23      another in the amount of \$1,757.40 in October 2017; and  
24      another in the amount of \$469.49 in December of 2019.

25           All of these are listed as expense

1       reimbursements. For the October 2017 and December 2019,  
2       those were in connection with his attendance at the  
3       Internet Archive's Library Leaders Forum.

4                  And the one from May of 2017 was in connection  
5       with his attendance at, I believe -- and this is one area  
6       that we do not have 100 percent certainty on so I just  
7       want to say there might -- I believe that that was in  
8       connection with the attendance at that May 23rd, 24th  
9       meeting in 2017.

10                 Those are all of the reimbursements that the  
11      Internet Archive has made to Kyle Courtney.

12                 Q. What about reimbursements to Michelle Wu?

13                 A. There are no reimbursements to Michelle Wu of  
14       any kind at any time.

15                 Q. Okay. What about reimbursements of expenses to  
16       David Hansen?

17                 A. There are no reimbursements to David Hansen of  
18       any kind at any time.

19                 Q. And any to Pam Samuelson?

20                 A. There are no reimbursements to Pam Samuelson at  
21       any time.

22                 Q. And are there any other forms of compensation  
23       that were paid, if not reimbursement, to Ms. Wu?

24                 A. No, none. No payments of any kind.

25                 Q. And same for David Hansen?